

**Before the Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:

Telecommunications Relay Services for	]	CC Docket No. 90-571
Individuals with Hearing and Speech	]	CC Docket No. 98-67
Disabilities	]	CC Docket No. 03-123

**Comments of the Arizona Commission for the Deaf and the Hard of Hearing  
(ACDHH)**

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The Arizona Commission for the Deaf and the Hard of Hearing ("ACDHH") respectfully submit these comments in response to the Further Notice of Proposed Rulemaking on IP Relay and Video Relay Service ("FNPRM") released by the Federal Communications Commission ("Commission" or "FCC") on June 30, 2004 in the above-referenced dockets.

## **I. INTRODUCTION**

In the FNPRM, the Commission addresses and seeks comment on a number of issues related to IP Relay and Video Relay Service ("VRS"), including the appropriate cost recovery scheme for both services with respect to interstate versus intrastate funds, as well as whether IP Relay and VRS should be made a mandatory form of Telecommunications Relay Service ("TRS"). The Commission also seeks comment on how to share the intrastate cost associated with IP Relay and VRS with the states, and the possible mechanism that may reasonably allow states to pay providers of these services. In the FNPRM, the Commission also seeks comment on other issues, however ACDHH is responding to the above listed requests for comment only. ACDHH is also seeking to call the attention of the Commission (as already expressed in the statement of Commissioner Kathleen Q. Abernathy) to the extreme burden being placed on deaf people residing near VRS call centers, due to the growing shortage of qualified interpreters that are working for VRS as opposed to freelance interpreting. Including VRS as part of mandated TRS without appropriate safeguards in place to address the profound shortage of community interpreters caused by VRS would be a violation of the deaf individual's basic civil rights as spelled out in the Americans with Disabilities Act.

## **II. BACKGROUND**

The Arizona Commission for the Deaf and the Hard of Hearing is responsible for the administration of the Arizona Relay Service ("AZRS"). ACDHH is mandated to administer and oversee the contract for AZRS, which includes Hearing Carry Over ("HCO"), Voice Carry Over ("VCO"), Speech to Speech (STS), as well as Spanish-Language relay. Funding for AZRS comes from an excise tax charged on landlines within the State of Arizona.

An advisory group to AZRS made up of deaf, hard of hearing and speech-impaired consumers, the Arizona Relay and Telecommunications Advisory Board ("AzRATED"), has considered and taken an official stance to support the comments contained within this document. As the state TRS administrator in Arizona, ACDHH will provide several reasons against making IP Relay and VRS part of traditional TRS, as well as several reasons against the Commission's proposed future intrastate funding mechanisms, as suggested in the FNPRM.

## **III. IP RELAY AND VRS SHOULD NOT BE MADE MANDATORY FORMS OF TRS AT THIS TIME**

ACDHH does not believe that IP Relay and VRS should be made mandatory forms of TRS at this time, for the reasons discussed below, including the infeasibility of determining the geographic origin of callers and the inability of states to cover intrastate charges for these services.

The Commission should not shift the reimbursement of intrastate IP and VRS to the states at this time because IP Relay and VRS providers are not yet able to properly

identify the location of callers, thus making it problematic to gain reimbursement from individual states.

The cost of reimbursing intrastate IP Relay and VRS would cause a significant and unsustainable financial burden on the states. Arizona, like the other states, is not prepared to take on the cost of intrastate usage of IP Relay and VRS, regardless of whether associated costs are set up on a per-minute basis or as a lump sum payment.

A second argument against requiring states to fund to the intrastate portion of IP Relay and VRS is that it would create an extreme administrative burden on the part of states to enter into contracts with individual service providers. ACDHH does not currently have the administrative capacity to enter into and administer these multiple contracts. Otherwise, if ACDHH were to only enter into agreement with a limited number of providers, ACDHH would have to somehow block or disallow Arizona residents from choosing other providers of IP Relay and VRS that do not hold a contract with the State. Due to the freedom of access on the internet, this type of blockage is not feasible at this time.

Thirdly, Arizona has a limit on the percentage it can charge for the telecommunications excise tax, to pay for traditional TRS. Any mandate from the Commission incorporating Ip Relay and VRS into traditional TRS and requiring states to pay for the intrastate fees would require Arizona to go to the State Legislature to seek an increase in the telecommunications excise tax. In recent sessions, the tax has been cut by the Legislature, and there is no signal from state legislators that indicate support of increasing the tax to include payment for IP Relay and VRS.

#### **IV. THE IMPACT OF VRS ON DEAF ACCESS TO COMMUNITY INTERPRETING SERVICES**

The issue of mandating IP Relay and Video Relay Service are inevitably linked to the issue of ultimately sharing the cost of both services with the states, with respect to intrastate usage. However, for the initial purposes of this section, ACDHH focuses on the human side of mandating specifically VRS without taking into account the extreme burden this will place on the interpreting profession and as a result, the deaf community.

Reports from the deaf individuals regarding the extreme difficulty they are having with securing interpreters have jumped drastically in areas where VRS call centers have opened up. In Phoenix, Arizona, where a VRS call center opened in 2004, deaf individuals are competing with the VRS provider to secure interpreters for assignments. The VRS provider promises interpreters eight-hour workdays, while deaf individuals usually schedule interpreters in two-hour timeslots, as needed for business meetings, doctors appointments, and virtually every encounter that is made between themselves and a hearing individual. Interpreting agencies are turning down requests due to the shortage of interpreters, and deaf individuals are rearranging their schedules and even over-booking so that they can be ensured with interpreter coverage for their communication needs.

To help address the shortage of qualified interpreters, ACDHH was successful in passing legislation to partner with Arizona's universities and colleges to better train interpreters, with the financial commitment of \$750,000.00 from ACDHH's Telecommunications Fund for the Deaf to enter these educational partnerships. However, ACDHH is strongly against training interpreters so that they may work full-time for a

VRS call center, especially when this does not benefit the local community. ACDHH has requested a meeting with the VRS provider to discuss their possible assistance with funding training for interpreters, but calls requesting a meeting have not been returned by the VRS provider at this time.

If the Commission were to seek to mandate IP Relay and VRS as part of traditional TRS, appropriate safeguards would need to be seriously considered to address the continued interpreter shortage created by the proliferation of new VRS call centers around the country. ACDHH recommends that the Commission consider special funding mechanisms whereby VRS providers contribute to the local interpreter training and development programs in the location of their call centers. Further, if IP Relay and VRS are mandated, ACDHH respectfully recommends that Commission ensure in the broadened TRS mandate that VRS providers are required to hire certified and licensed interpreters.

## **V. CONCLUSION**

In conclusion, the Arizona Commission for the Deaf and the Hard of Hearing understands that the Commission seeks to address and rectify issues related to IP Relay and VRS cost recovery for intrastate calls. However, at this point in time, ACDHH is not able to take on the administrative and financial burden of providing IP Relay and VRS for intrastate usage. ACDHH firmly believes that due to the nature of the universal technology galvanizing IP Relay and VRS, payment is best made from the Interstate Fund, which is more national in its scope. Also, in the event that IP Relay and VRS become mandated forms of traditional TRS, ACDHH respectfully requests the Commission to consider the profound and negative impact that VRS call centers have on

the deaf communities where they are located, due to their employment of a great number of interpreters who are in effect no longer working in the local community.

Respectfully Submitted,

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